

SENATE BILL NO. 376

INTRODUCED BY B. DEPRATU, SLITER, BECK, BITNEY, CRISMORE, DALE, ELLIS, GRIMES,
GROSFIELD, HAINES, R. HOLDEN, LAIBLE, MCNUTT, MOHL, MOOD, SOMERVILLE, SPRAGUE, TASH,
F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN ACTIONS OF THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION AND THE BOARD OF LAND COMMISSIONERS FROM
ENVIRONMENTAL REVIEW REQUIREMENTS; AMENDING SECTION 77-1-121, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 77-1-121, MCA, is amended to read:

"77-1-121. Environmental review -- ~~exemption~~ exemptions. (1) The department and board are required to comply with the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within Title 77 only if the department is actively proposing to issue a sale, exchange, right-of-way, easement, placement of improvement, lease, license, or permit, ~~or other authorization for use of state lands~~ or is acting in response to an application for an authorization for such a proposal.

(2) Except for rulemaking and as provided in subsection (1), the department and board are otherwise exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within Title 77, including but not limited to the issuance of lease renewals. The department and board do not have an obligation to comply with the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within Title 77 if the department or board ~~choose~~ chooses not to take any action, even though either may have the authority to take an action.

(3) The department and board are exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when taking actions, including preparing plans or proposals, in relation to AND IN COMPLIANCE WITH the following local government actions:

(a) development or adoption of a growth policy or a neighborhood plan pursuant to Title 76, chapter 1;

(b) development or adoption of zoning regulations;

(c) review of a proposed subdivision pursuant to Title 76, chapter 3;

(d) actions related to annexation;

(e) development or adoption of plans or reports on extension of services; and

(f) other actions that are related to local planning."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to all matters pending before the department or the board on [the effective date of this act].

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